## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

**DOCKET NO.:** 2007-2043-WQ-E **TCEQ ID:** RN101269611

**CASE NO.:** 35133

RESPONDENT NAME: Value Family Homes - Denton, L.P. dba Denton Mobile Home Community

ORDER TYPE:		· · · · · · · · · · · · · · · · · · ·				
1660 AGREED ORDER	X FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING				
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER				
_AMENDED ORDEREMERGENCY ORDER						
CASE TYPE:						
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE				
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION				
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL				
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION				
SITE WHERE VIOLATION(S) OCCURRED: Denton MHC, 5301 East McKinney Street, Denton, Denton County  TYPE OF OPERATION: Wastewater collection system with a manhole  SMALL BUSINESS: _X Yes No  OTHER SIGNIFICANT MATTERS: One complaint was received October 30, 2007, alleging that a discharge from the manhole caused a fish kill. There is no record of additional pending enforcement actions regarding this facility location.  INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or speak at Agenda.  COMMENTS RECEIVED: The Texas Register comment period expired on June 16, 2008. No comments were received.  CONTACTS AND MAILING LIST:						
Mr. Bryan Sinclair, Enforcement D <b>Respondent:</b> Mr. Joe Wallis, Region Street, Box 205, Denton, Texas 762	: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Mc 219, (512) 239-2171 onal Operations Manager of Texas, Value Family Ho					

**DOCKET NO.:** 2007-2043-WQ-E

VIOLATION SUMMARY CHAR	Γ:	
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS(13,31
Type of Investigation: X Complaint	Total Assessed: \$4,875	Corrective Actions Taken:
RoutineEnforcement Follow-upRecords Review	Total Deferred: \$0Expedited Settlement	The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
Date(s) of Complaints Relating to this Case: October 30, 2007	Financial Inability to Pay SEP Conditional Offset: \$0	a) Took steps to control, contain, and remediate the unauthorized discharges, and
Date of Investigation Relating to this Case: October 30, 2007	Total Paid to General Revenue: \$4,875	repair the lift station on October 30, 2007;
Date of NOV/NOE Relating to this Case: December 10, 2007 (NOE)	Site Compliance History Classification High Average Poor	b) Provided non-compliance notification to the TCEQ on October 31, 2007; and
Background Facts: This was a complaint investigation. A series of unauthorized discharges resulted in a fish kill of approximately 30 fish.	Person Compliance History Classification HighAveragePoor  Major Source:Yes X_No	c) Implemented measures and procedures to prevent grease and other floating materials from interfering with the operation of the lift station on October 31, 2007.
WATER	Applicable Penalty Policy: September 2002	
1) Failure to prevent the unauthorized discharge of wastewater from the collection system. Specifically, a series of unauthorized discharges occurred during October 25-30, 2007 from the manhole near Unit 115, totaling 5,000 gallons of	Findings Orders Justification: Human health or the environment has been exposed to pollutants which exceed levels that are protective.	
wastewater, resulting in approximately 30 fish killed [Tex. Water Code § 26.121].		
2) Failure to provide non-compliance notification to the TCEQ within 24 hours of becoming aware of the non-compliance. Specifically, the unauthorized discharges began on October 25, 2007 and were not reported to the TCEQ until October 31, 2007 [Tex. WATER CODE § 26.039(b)].		
3) Failure to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station [30 Tex. Admin. Code § 317.3(b)(3)].		

Penalty Calculation	on Worksheet (F	PCW)	
Policy Revision 2 (September 2002)		PCW Revision Nove	ember 6, 2007
DATES Assigned 17-Dec-2007			
PCW 3-Jan-2008 Screening 20-Dec-2007	EPA Due		
RESPONDENT/FACILITY INFORMATION  Respondent Value Family Homes - Denton, L.P. dba De	nton Mobile Home Commun		1
Reg. Ent. Ref. No. RN101269611	enton Mobile Home Commu	iity	
Facility/Site Region 4-Fort Worth	Major/Minor Sourc	e Minor	
2.05.11.20.11.20.1			
CASE INFORMATION Enf./Case ID No. 35133	No. of Violation	s 3	1
Docket No. 2007-2043-WQ-E	Order Typ	e Findings	
Media Program(s) Water Quality		r Jorge Ibarra, P.E.	
Multi-Media	\$10,000 EC's Team	n Enforcement Team 3	
Admin. Penalty \$ Limit Minimum \$0 Maximum	<u> </u>		oc v, c, c c c c c c c c c c c c c c c c
Penalty Calculation	ation Section		-
		Cubtotal 4	\$6,500
TOTAL BASE PENALTY (Sum of violation base penalti	College Colleg	Subtotal 1	ψ0,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by			
Compliance History 0%	6 Enhancement Sub	totals 2, 3, & 7	\$0
Notes No change due to no comp	liance history.		
	The second secon		
Culpability No 0%	6 Enhancement	Subtotal 4	\$0
Notes The Respondent does not meet the	ne culpability criteria.		
Good Faith Effort to Comply 25%	6 Reduction	Subtotal 5	\$1,625
Before NOV NOV to EDPRP/Settlement Offer			
Extraordinary			
Ordinary X (mark with x)			
	O-tabar 21, 2007		
Notes The Respondent achieved full complian	nice on October 31, 2007.		
erando Transportante de la companya de la c	6 Enhancement*	Subtotal 6	\$0
Total EB Amounts \$6 *Cappe	ed at the Total EB \$ Amount	oubtotal o	
Approx. Cost of Compliance \$10,200			
SUM OF SUBTOTALS 1-7		Final Subtotal	\$4,875
OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.		· ·	
Notes			
	Final Po	enalty Amount	\$4,875
STATUTORY LIMIT ADJUSTMENT	Final Ass	sessed Penalty	\$4,875
DEFERRAL	0% Reduction	Adjustment	\$0
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e	.g. 20 for 20% reduction.)	7	
Notes No deferral is recommended fo	r Findings Orders.		
PAYABLE PENALTY			\$4,875

Screening Date 20-Dec-2007

Docket No. 2007-2043-WQ-E

Respondent Value Family Homes - Denton, L.P. dba Denton Mobile F

Policy Revision 2 (September 2002) PCW Revision November 6, 2007

**Case ID No.** 35133 Reg. Ent. Reference No. RN101269611

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Γ	N/A		ercentage (Sı	ıbtotal 3)
eat	t Violator (Su	Adjustment Pe	- •	
L		environmental requirements	No	0%
		Participation in a voluntary pollution reduction program  Early compliance with, or offer of a product that meets future state or federal government	No	0%
	Other	special assistance program		
		Voluntary on-site compliance assessments conducted by the executive director under a	No	0%
Γ		Environmental management systems in place for one year or more	e Enter Yes or No No	0%
			o Entor Voc or No	
	Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Audito	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Emissions	Chronic excessive emissions events (number of events)	0	0%
-	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	4	0%
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0 0	0%
of liability, or default orders of		Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission.	0	0%
		meeting criteria)	0	0%
-	*	Other written NOVs  Any agreed final enforcement orders containing a denial of liability (number of orders)	0 411	0%
	NOVs	0	0%	

Scre	eening Date	20-Dec-2007		Docl	ket No. 2007-2043-	·WQ-E		PCW
		•	Homes - Dent	on, L.P. dba Den	ton Mobile Home Co	Po	olicy Revision 2 (Sej	otember 2002)
	Case ID No.						PCW Revision Nov	ember 6, 2007
Reg. Ent. Re								
	dia [Statute] Coordinator							
	lation Number	1	) .L.					
	Rule Cite(s)							
,				Tex. Water Co	de § 26.121			•
Violatio	on Description	Specifically,	a series of una	authorized discha	e of wastewater from rges occurred during 5,000 gallons of wast 30 fish killed.	October 25-30, 2	2007	
						Base Pei	nalty	\$10,000
>> Environmenta	l, Property a	nd Human	THE RESIDENCE AND ADMINISTRATION OF THE PARTY.	rix				a .
	Release	Major	Harm Moderate	Minor				
OR	Actual	x						
	Potential				Percent	50%		
>>Programmatic	Note that the processor constraints in a commendation with the	Major	Moderate	Minor				
	Falsification	Major 	Moderate	Willor	Percent	0%		
			1				<del></del>	
Matrix Notes	Human he exceed le	ealth or the en vels that are p	vironment has protective of hu	been exposed to man health or en violation.	significant amounts vironmental receptor	of pollutants whic s as a result of th	h e	
		Asia din Sun	and the state of t		Adjustment	\$5	5,000	
	×							\$5,000
Violation Events		n i di kang	itti zuali	s Sand teathers and bound		MARINE CALL		
	Number of Vic	lation Events	1		6 Number of	violation days		
		daily		• • • • • • • • • • • • • • • • • • •		• .		
		monthly	X		Vi	olation Base Pe	aaltu	\$5,000
	mark only one with an x	quarterly semiannual			VI	olation base Per	lally	ψ5,000
		annual single event						•
			-					
			One mon	thly event is reco	mmended.			
Economic Benefi	it (EB) for th	is violation	internal de la company de la c		Statutory	y Limit Test		productive c
	Estimated	d EB Amount		\$6	Violatio	n Final Penalty	Total	\$3,750
					al Annana d Dawalf	, /adiustad for !!-	~i+~\	\$3,750
est, comparences propositional and the second	presidente de la companionale	tito i spravi vegazajenski	T Tanggarang dan panggarang	nis violation Fina	al Assessed Penalty	(aajustea tor III	m(S)	ψ3,730

	· Walde E	conomic	Benefit W	orks	sheet	Sallymias	3
Respondent	Value Family H	lomes - Denton, L.I	⊃. dba Denton Mol	ile Hom	ne Community	1000	
Case ID No.					•		
Reg. Ent. Reference No.						4.5 S 8 8	
					10 10 10 10 10 10 10 10 10 10 10 10 10 1	[	Years of
	Water Quality					Percent Interest	Depresiation
Violation No.	1				The HOME SEE DESCRIPTION		Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	· Yrs	Interest Saved	Onetime Costs	EB Amount
		Date (toquirea	· (a. – a.a.			Pada Cisana	
Item Description	No commas or \$				all the second	Parameter annual se	
Delayed Costs	<u> </u>		in the state of th	,	<del>,</del>		
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	3 P. C.			0.0	\$0	\$0	\$0
Engineering/construction		the same of the same of the same	د جنگ استان در ا	0.0	\$0	\$0	\$0
Land	1	<u> </u>		0.0	\$0	n/a	\$0
Record Keeping System			As a second second	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$9,000	25-Oct-2007	30-Oct-2007	0.0	\$6	n/a	\$6
Notes for DELAYED costs	discharges, t	he cost of the reme Date Required is t	ediation of the unai he first day of non-	uthorize complia	d discharge site, a ince, Final Date is	or prevented the un nd the cost to repair the compliance date	the lift station.
Avoided Costs	ANN	NUALIZE [1] avoid	ed costs before e	ntering	item (except for	one-time avoided c	
Disposal				0.0	\$0	\$0	\$0
Personnel			the stage of the state of the state of	0.0	\$0	\$0	\$0
nspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment			A CONTRACTOR OF THE PARTY OF TH	0,0	\$0	\$0	\$0
Financial Assurance [2]			46.	0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		1	William Control	0.0	\$0	\$0	\$0
Other (as needed)	3504.000			0.0	\$0	\$0	\$0
Notes for AVOIDED costs		en e	on and the second of the secon	10.7			
Annroy Cost of Compliance		90,000	1		ΤΟΤΑΙ	·	\$

Screening Date	20-Dec-2007 <b>Docket No.</b> 2007-2043-V	VQ-E PCW
<u> </u>	/alue Family Homes - Denton, L.P. dba Denton Mobile Home Con	Policy Revision 2 (September 2002)
Case ID No.	35133	PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN101269611	
Media [Statute]	Vater Quality	
Enf. Coordinator	orge Ibarra, P.E.	
Violation Number	2	
Rule Cite(s)	Tex. Water Code § 26.039(b)	
Violation Description	Failed to provide non-compliance notification to the TCEQ within 24 aware of the non-compliance. Specifically, the unauthorized disc October 25, 2007 and were not reported to the TCEQ until Oc	harges began on
		Base Penalty \$10,000
>> Environmental, Property a	nd Human Health Matrix	
Pologo	Harm Major Moderate Minor	
OR Release	Major Moderate Minor	
Potential	Percent	0%
		······································
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	X Percent	10%
Matrix	100% of the rule requirement was not met.	
Notes	100 % of the fale requirement was not met.	
an the state of th	Adjustment	\$9,000
		\$1,000
		Ψ1,000
Violation Events		
The Art of the Property of the Art of the Ar		
Number of Vic	ation Events 1 Number of v	iolation days
	daily	
	monthly	
mark only one		lation Base Penalty \$1,000
with an x	semiannual	
	annual	
	single event x	
[		
	One single event is recommended.	
No. 315 To See, 38 City Stopped his appropriate the company of the		
Economic Benefit (EB) for th	s violation Statutory	Limit Test
Estimated	EB Amount \$0 Violation	Final Penalty Total \$750
		(- diameter description)
Experies the company of the company	This violation Final Assessed Penalty	(adjusted for limits) \$750

#### Economic Benefit Worksheet Respondent Value Family Homes - Denton, L.P. dba Denton Mobile Home Community Case ID No. 35133 Reg. Ent. Reference No. RN101269611 Media Water Quality Years of Percent Interest Depreciation Violation No. 2 geräheret. P.L. Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount Item Description No commas or \$ **Delayed Costs** 0.0 Equipment \$0 Buildings \$0 Other (as needed) 0.0 \$0 \$0 0.0 Engineering/construction 0.0 \$0 n/a Record Keeping System 0.0 n/a 0.0 \$0 Training/Sampling n/a Remediation/Disposal 0.0 n/a 0.0 **Permit Costs** n/a 26-Oct-2007 Other (as needed) 31-Oct-2007 0.0 n/a Estimated cost to timely provide the required notification. Date Required is the first day of non-compliance, Final Notes for DELAYED costs Date is the compliance date. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.0 \$0 Personnel 0.0 \$0 \$0 Inspection/Reporting/Sampling 0.0 \$0 Supplies/equipment 0.0 \$0 \$0 0,0 Financial Assurance [2] \$0 ONE-TIME avoided costs [3] 0.0 0.0 Other (as needed) Notes for AVOIDED costs

\$200

Approx. Cost of Compliance

TOTAL

Respondent Value Family Homes - Denton, L.P. dab Denton Mobile Home Con  POW Revision Processor 2650, PCM Revision November 6, 2007  Reg. Ent. Reference No. RN101269611  Media [Statute] Water Quality Enf. Coordinator Jorge Ibarra. P.E.  Violation Number Rule Cite(s)  So Tex. Admin. Code § 317.3(b)(3)  Violation Description  Falled to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other fooling materials from interfering with the operation of the lift station.  Percent 555  Senvironmental, Property and Human Health Matrix  Harm  Minor  Actual  Release Major Moderate Minor  Percent 555  Servironmental Matrix  Falled to properly maintain the collection system could result in the release of pollutants which would not exceed levels that are protective of human health or the environment.  Notes  Number of Violation Events  Number of Violation Events  Number of Violation Events  One single event x  Signature 2007  POW Revision November 6, 2007  Pow Revision November 6, 2007  Pow Revision November 6, 2007  Falled to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other fooling materials from interfering with the operation of the lift station.  Percent 555  **Programmatic Matrix**  Percent 555  **Programmatic Matrix**  Particular to properly maintain the collection system could result in the release of pollutants which would not exceed levels that are protective of human health or the environment.  **Adjustment**  \$9,500  Violation Events  One single event is recommended.  **Economic Benefit (EB) for this violation  Cone single event is recommended.  **Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$3375  This violation Final Assessed Penalty (adjusted for timits)  **This violation Final Assessed Penalty (adjusted for timits)	Scre	ening Date	20-Dec-2007	WWW.W.F.Com-420026-2-1200000-19-1-12000	Do	cket No. 20	007-2043-WQ-E		PCW
Reg. Ent. Reference No. RN 101269611 Media [Statute] Water Quality Enf. Coordinator Jorge Ibarra, P.E. Violation Number 3 Rule Cite(s)  Rule Cite(s)  Failed to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station.  **Secondary Transport College Major Moderate Minor Actual Potential X  **Percent 55%  **Percent 55%  **Programmatic Matrix Failsfication Major Moderate Minor Percent 0%  **Matrix Notes  Failure to properly maintain the collection system could result in the release of pollutants which would not exceed levels that are protective of human health or the environment.  **Violation Events**  Number of Violation Events 1 Number of violation days  Violation Events  **One single event is recommended.**  **Cone single event is recommended.**  **District Cells of this violation Estimated EB Amount 5875  **Violation Final Penalty Total 5875  **Violation Final Penalty Total 5875	R	espondent	Value Family H	Homes - Dentor	n, L.P. dba Den	ton Mobile Ho	ome Con	Policy Re	vision 2 (September 2002)
Media [Statute] Water Quality Enf. Coordinator Jorge Ibarra, P.E. Violation Number Rule Cite(s)  Failed to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station.  Base Penalty \$10,000  SEnvironmental, Property, and Human Health Matrix Harm Release Major Moderate Minor Actual Potentia Potentia Potentia Potentia Potentia Potentia Potentia Potentia Adjustment \$3,500  Violation Events  Number of Violation Events  Number of Violation Events  Number of Violation Events  One single event is recommended.  Economic Benefit (EB) for this violation Estimated EB Amount S0 Violation Final Penalty Total \$3,575		Case ID No.	35133					PCW F	Pevision November 6, 2007
Enf. Coordinator Jorge Ibarra, P.E.    Violation Number   3   30 Tex. Admin. Code § 317.3(b)(3)     Violation Description   Failed to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station.    Base Penalty   \$10,000	Reg. Ent. Ref	erence No.	RN101269611						
Violation Number Rule Cite(s 30 Tex. Admin. Code § 317.3(b)(3)  Violation Description Failed to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station.  Base Penalty \$10,000  >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential X Percent 5%  >> Programmatic Matrix Falsification Major Moderate Minor Percent 0%    Matrix Palsification Major Moderate Minor Percent 0%									
Violation Description   Failed to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station.    Base Penalty				P.E					
Violation Description Failed to properly design and operate the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station.  Base Penalty  \$10,000  **Percent S%  **Programmatic Matrix Falsefication Major Moderate Minor Percent O%  **Programmatic Matrix Notes  Falsefication Major Moderate Minor Percent O%  **Adjustment S9,500  **Violation Events  Number of Violation Events  Number of Violation Events  **Number of Violation Events  **One single event is recommended.  **Economic Benefit (EB) for this violation  Estimated EB Amount \$0  Violation Final Penalty Total \$355	Viola		L		91.811.				
Violation Description provisions made to prevent grease and other floating materials from interfering with the operation of the lift station.    Base Penalty		Rule Cite(s)		30	Tex. Admin. C	ode § 317.3(b	0)(3)		
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential X Percent 5%  >> Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Percent 0%  Matrix Notes Failure to properly maintain the collection system could result in the release of pollutants which would not exceed levels that are protective of human health or the environment.  Adjustment \$9,500  Violation Events  Number of Violation Events 1 1 Number of violation days  daily, mark only one with an x annual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation Estimated EB Amount \$0 Violation Final Penalty Total \$375	Violatio	n Description			grease and othe	er floating mat	terials from interfe		
OR Release Major Moderate Minor Actual Potential Percent Perce							1	Base Penalty[	\$10,000
OR Release Major Moderate Minor Actual Potential Percent Perce	>> Environmental	, Property a	ind Human I	Health Matri	x	Salagon Mar		31	
Potential		A THE CONTRACTOR OF THE PROPERTY OF THE PROPER		Harm	and the state of t	Barer And Er Brander And A. N. Assessor	and the second s	St. Martin	
Potential X Percent 5%  >>Programmatic Matrix Falsification Major Moderate Minor Percent 0%  Matrix Notes Failure to properly maintain the collection system could result in the release of pollutants which would not exceed levels that are protective of human health or the environment.  Adjustment \$9,500  Violation Events  Number of Violation Events 1 1 Number of violation days  daily monthly quarterly semiannual annual single event X  One single event is recommended.  Economic Benefit (EB) for this violation Estimated EB Amount \$0 Violation Final Penality Total \$375	OP			Moderate	Minor				To the second se
Falsification Major Moderate Minor  Percent 0%  Matrix Notes  Failure to properly maintain the collection system could result in the release of pollutants which would not exceed levels that are protective of human health or the environment.  Adjustment \$9,500  \$500  Violation Events  Number of Violation Events 1 1 Number of violation days  daily monthly quarterly semiannual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Estimated EB Amount \$0 Violation Final Penalty Total \$375			<u> </u>		X	Pe	ercent 5	5%	W. C. P. W.
Falsification Major Moderate Minor  Percent 0%  Matrix Notes  Failure to properly maintain the collection system could result in the release of pollutants which would not exceed levels that are protective of human health or the environment.  Adjustment \$9,500  \$500  Violation Events  Number of Violation Events 1 1 Number of violation days  daily monthly quarterly semiannual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Estimated EB Amount \$0 Violation Final Penalty Total \$375		TO SERVICE AND DESCRIPTIONS		or to the control of	CALIC STRUCKS STRUCKS ON A STRUCK	Barnor May Law Navasan			T
Matrix Notes  Failure to properly maintain the collection system could result in the release of pollutants which would not exceed levels that are protective of human health or the environment.  Adjustment  \$9,500  \$500  Violation Events  Number of Violation Events  1 Number of violation days  daily mark only one with an x semiannual annual single event   x    One single event is recommended.  Economic Benefit (EB) for this violation  Estimated EB Amount  \$0 Violation Final Penalty Total	>>Programmatic I		e Barrier School		ich Sharong agailt is in i	en en galager (1981) T			W
Matrix Notes  Failure to properly maintain the collection system could result in the release of pollutants which would not exceed levels that are protective of human health or the environment.  Adjustment  \$9,500  S500  Violation Events  Number of Violation Events  1 1 Number of violation days  daily monthly quarterly semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Estimated EB Amount  \$0 Violation Final Penalty Total  \$375		Falsification	Major	Moderate	Minor	ъ.		100/1	
Notes not exceed levels that are protective of human health or the environment.  Adjustment \$9,500  \$500  Violation Events  Number of Violation Events 1 1 Number of violation days  daily monthly quarterly semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Estimated EB Amount \$0 Violation Final Penalty Total \$375						PE	ercent	1%	
Violation Events  Number of Violation Events  1	RECORD OF SECULO 1	Failure to pro				an health or t	he environment.		
Number of Violation Events 1 1 Number of violation days    daily									\$500
Number of Violation Events 1 1 Number of violation days    daily		continuestas energias e		1970 / SON POLA SONO SE SE SONO				i Augustoniaensiseelee	
daily monthly quarterly \$500    Semiannual annual single event x   One single event is recommended.    Conomic Benefit (EB) for this violation   Statutory Limit Test	Violation Events	and the second	Carlot and and the second seco	n de la companya de La companya de la co		anicheus de Cristotic	The second of the second		
mark only one with an x    mark only one with an x   monthly quarterly semiannual annual single event   x		Number of Vio	olation Events	1		1N	umber of violation	days	
mark only one with an x    mark only one with an x   monthly quarterly semiannual annual single event   x	<b>V</b>		e Pany F		<b>1</b>				
mark only one with an x    Semiannual annual single event   x				-					
with an x semiannual annual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$375		mark only one	Succession and Control of				Violation	Base Penalty	\$500
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Case ID No.		omes - Denton, L.	P. dba Denton Mol	oile Home	Community	e de la companya de La companya de la co	
eg. Ent. Reference No	RN101269611					4	of the section of
	Water Quality				55	/	Years of
Violation No.					100	Percent Interest	Depreciation
Violation ino	. 3				40.000.000.000.000.000.000	5.0	
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avi intraktitenskyte	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	ÉB Amount
Item Description	No commas of \$	ingo vis 8 - i e	months (ed. lan.)			SH(2)aht) duri	
Delayed Costs				ale o Cataon De	13. km (mar.) 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.		
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Land				0.0	\$0	n/a	\$0
Record Keeping System			alia da calendar de la calendar de l	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	30-Oct-2007	31-Oct-2007	0.0	, \$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs				date.		date, Final,Date is the date, Final,Date is the date.	
Disposal	Proposition of the second of t			1 0.0 T	\$0	\$0	\$0
Personnel				0,0	\$0	\$0,	\$0
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pection/Reporting/Sampling							\$0
spection/Reporting/Sampling Supplies/equipment				0.0	\$0	\$0	\$0 \$0
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Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		\$1,000		0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0

# **Compliance History**

Custome	r/Respondent/Owner-Operator:	CN603113184	Value F	Family Homes - Dent	on, L.P.	Classification:	Rating:
Regulated	d Entity:	RN101269611	DENT	ON MHC		Classification:	Site Rating:
ID Numbe	er(s):	UTILITIES		· · · · · · · · · · · · · · · · · · ·	REGISTRA	TION	S0021
Location:		5301 E MCKINNE	Y ST, DEI	NTON, TX, 76208			
TCEQ Re	egion:	REGION 04 - DFV	/ METRO	PLEX			
Date Con	npliance History Prepared:	December 20, 200	7				
Agency D	Decision Requiring Compliance History:	Enforcement					*******
Complian	ce Period:	December 20, 200	2 to Dece	mber 20, 2007	<del> </del>		
TCEQ Sta	aff Member to Contact for Additional Inform	nation Regarding this	Compliand	ce History			
Name:	Jorge Ibarra, P.E.	Ph	one:	(817) 588-5890			
	•	Site	Compliar	nce History Comp	onents		
1. Has the	e site been in existence and/or operation f	or the full five year cor	npliance p	period?	Yes		
2. Has the	ere been a (known) change in ownership o	of the site during the c	ompliance	period?	Yes		
3. If Yes,	who is the current owner?			•	N/A		
4. if Yes,	who was/were the prior owner(s)?				N/A	•	
5. When	did the change(s) in ownership occur?				N/A		
Compor	nents (Multimedia) for the Site :						
Α.	Final Enforcement Orders, court judgem	nents, and consent dec	rees of th	e state of Texas and	the federal gove	ernment.	
•	N/A						
В.	. Any criminal convictions of the state of 1	Toyas and the federal	novernme	nt ·			
Б.	N/A	rexas and the lederal	governme	111.		•	
C.	Chronic excessive emissions events.						
	N/A						
D.	The approval dates of investigations. (C	CEDS Inv. Track. No.	)				•
	1 12/10/2007 (599703)						
E.	Written notices of violations (NOV). (CC	EDS Inv. Track. No.)					
F.	Environmental audits. N/A						
G.	Type of environmental management sys	stems (EMSs).					•
	N/A						
Н.	Voluntary on-site compliance assessme	ent dates.					
	N/A						
1.	Participation in a voluntary pollution red	uction program.					
	N/A						
J.	Early compliance.				•		
	N/A						
Sites Out	side of Texas						
	N/A						

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
VALUE FAMILY HOMES - DENTON, L.P.	§	TEXAS COMMISSION ON
DBA DENTON MOBILE HOME	§	
COMMUNITY	§ °	
RN101269611	§	<b>ENVIRONMENTAL QUALITY</b>

## AGREED ORDER DOCKET NO. 2007-2043-WQ-E

At its	agenda, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ") or	considered this agreement of the parties, resolving an enforcement action
regarding Value Family Hom	es - Denton, L.P. dba Denton Mobile Home Community ("the Respondent")
under the authority of TEX. V	VATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through
the Enforcement Division, an	d the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater collection system with a manhole at 5301 East McKinney Street in Denton, Denton County, Texas (the "Facility").

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- 2. The Respondent has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. During an investigation on October 30, 2007, TCEQ staff documented an unauthorized discharge of wastewater from the collection system. Specifically, a series of unauthorized discharges occurred during October 25 through 30, 2007 from the manhole near Unit 115, totaling 5,000 gallons of wastewater, resulting in approximately 30 fish killed.
- 4. During an investigation on October 30, 2007, TCEQ staff documented that the Respondent failed to provide non-compliance notification to the TCEQ within 24 hours of becoming aware of the non-compliance. Specifically, the unauthorized discharges began on October 25, 2007 and were not reported to the TCEQ until October 31, 2007.
- 5. During an investigation on October 30, 2007, TCEQ staff documented that the Respondent failed to properly maintain the collection system. Specifically, there were no provisions made to prevent grease and other floating materials from interfering with the operation of the lift station.
- 6. The Respondent received notice of the violations on December 15, 2007.
- 7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Took steps to control, contain, and remediate the unauthorized discharges, and repair the lift station on October 30, 2007;
  - b. Provided non-compliance notification to the TCEQ on October 31, 2007; and
  - c. Implemented measures and procedures to prevent grease and other floating materials from interfering with the operation of the lift station on October 31, 2007.

#### II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized discharge of wastewater from the collection system, in violation of TEX. WATER CODE § 26.121.
- 3. As evidenced by Findings of Fact No. 4, the Respondent failed to provide non-compliance notification to the TCEQ within 24 hours of becoming aware of the non-compliance, in violation of Tex. Water Code § 26.039(b).
- 4. As evidenced by Findings of Fact No. 5, the Respondent failed to properly maintain the collection system, in violation of 30 Tex. ADMIN. CODE § 317.3(b)(3).

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- 5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 6. An administrative penalty in the amount of Four Thousand Eight Hundred Seventy-Five Dollars (\$4,875) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. The Respondent has paid the Four Thousand Eight Hundred Seventy-Five Dollar (\$4,875) administrative penalty.

#### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Four Thousand Eight Hundred Seventy-Five Dollars (\$4,875) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Value Family Homes - Denton, L.P. dba Denton Mobile Home Community, Docket No. 2007-2043-WQ-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

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Value Family Homes - Denton, L.P. dba Denton Mobile Home Community DOCKET NO. 2007-2043-WQ-E Page 4

- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

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From: TCEQ DFW REGION

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Value Family Homes - Deuton, L.P. dea Denten Mobile Home Community DOCKHING. 2007-2043-WQ-E Page 5

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

5/29/08

I, the undersigned, have read and understand the attached Agreed Order in the matter of Value Family Homes - Deuton, L.P. dba Denton Mobile Home Community. I am authorized to agree to the stracked Agreed Order on behalf of Value Family Homes - Denton, L.P. dha Denton Mobile Home Community. and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Value Family Homes - Denton, L.P. dba Denton Mobile Home Community waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

A negative impact on compliance history;

Greater screting of any permit applications submitted;

Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;

Increased penalties in the force inforcement actions:

Automatic referral to the Attorney General's Office of any future enforcement actions; and

TCFQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signatura

Name (Printed or typed)

Authorized Representative of

Value Far rily Homes - Denton, L.P. dba Donion Mobile Home Community

Instructions: Send the original, signed Agreed Order with penalty payment to the Final title Administration Division Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order